

[*Harris v. Tennessee Valley Authority*](#), 89-ERA-47 (Dep. Sec'y Jan. 25, 1991)

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U.S. DEPARTMENT OF LABOR

DEPUTY SECRETARY OF LABOR
WASHINGTON, D.C.
20210

DATE: January 25, 1991
CASE NO. 89-ERA-47

IN THE MATTER OF

ANN P. HARRIS,
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,
RESPONDENT.

BEFORE: THE ACTING SECRETARY OF LABOR¹

FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING CASE

Before me for review is the Recommended Order of Dismissal (R.O.) of Administrative Law Judge Donald W. Mosser, issued on December 19, 1990, in the captioned case arising under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). Finding the terms of the memorandum of Understanding and Agreement, entered into by the parties on October 18, 1990, to be fair, adequate and reasonable, the ALJ recommended approval of the agreement and granting of the Joint Motion of Dismissal, submitted on December 17, 1990, and requested dismissal of the case with prejudice.

Review of the Memorandum of Understanding and Agreement entered into by the parties reveals that it may encompass the settlement of matters arising under various laws, only one of which is the ERA. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, November 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair,

adequate and reasonable settlement of Complainant's allegations that Respondent violated the ERA.

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The Memorandum of Understanding and Agreement has been carefully reviewed and I find it fair, adequate and reasonable.² I, therefore, accept the ALJ's recommendation that the settlement be approved and the case be dismissed with prejudice as requested by the parties.

SO ORDERED.

Acting Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹There is presently a vacancy in the Office of Secretary of Labor. The Deputy Secretary is authorized to "perform the duties of the Secretary until a successor is appointed...." 29 U.S.C. § 552. (1988).

²I note that the terms of this settlement agreement were previously approved in *Harris v. Tennessee Valley Authority*, Case No. 90-ERA-9, Sec. Final Order Approving Settlement and Dismissing case, December 6, 1990, and that a separate complaint filed by the Complainant against Respondent was dismissed therein.